



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4264

by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

225 ILCS 410/2-2	from Ch. 111, par. 1702-2
225 ILCS 410/2-3	from Ch. 111, par. 1702-3
225 ILCS 410/3-2	from Ch. 111, par. 1703-2
225 ILCS 410/3-3	from Ch. 111, par. 1703-3
225 ILCS 410/3-7	from Ch. 111, par. 1703-7
225 ILCS 410/3A-2	from Ch. 111, par. 1703A-2
225 ILCS 410/3A-6	from Ch. 111, par. 1703A-6
225 ILCS 410/3C-2	from Ch. 111, par. 1703C-2
225 ILCS 410/3C-8	from Ch. 111, par. 1703C-8
225 ILCS 410/3E-2	
225 ILCS 410/3E-5	

Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides that the program of study a person seeking licensure as a barber, cosmetologist, esthetician, hair braider, or nail technician must graduate from must include both domestic violence and sexual assault education as determined by rule of the Department of Financial and Professional Regulation. Requires that the continuing education needed to renew a license as a cosmetologist, esthetician, hair braider, or nail technician must include both domestic violence and sexual assault education as determined by rule of the Department.

LRB099 13320 MLM 37237 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Barber, Cosmetology, Esthetics, Hair
5 Braiding, and Nail Technology Act of 1985 is amended by
6 changing Sections 2-2, 2-3, 3-2, 3-3, 3-7, 3A-2, 3A-6, 3C-2,
7 3C-8, 3E-2, and 3E-5 as follows:

8 (225 ILCS 410/2-2) (from Ch. 111, par. 1702-2)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 2-2. Licensure as a barber; qualifications. A person
11 is qualified to receive a license as a barber if that person
12 has applied in writing on forms prescribed by the Department,
13 has paid the required fees, and:

14 a. Is at least 16 years of age; and

15 b. Has a certificate of graduation from a school
16 providing secondary education, or the recognized
17 equivalent of such a certificate, or persons who are beyond
18 the age of compulsory school attendance; and

19 c. Has graduated from a school of barbering or school
20 of cosmetology approved by the Department, having
21 completed a total of 1500 hours in the study of barbering
22 extending over a period of not less than 9 months nor more
23 than 3 years, which must include both domestic violence and

1 sexual assault education as determined by rule of the
2 Department. A school of barbering may, at its discretion,
3 consistent with the rules of the Department, accept up to
4 500 hours of cosmetology school training at a recognized
5 cosmetology school toward the 1500 hour course requirement
6 of barbering. Time spent in such study under the laws of
7 another state or territory of the United States or of a
8 foreign country or province shall be credited toward the
9 period of study required by the provisions of this
10 paragraph; and

11 d. Has passed an examination caused to be conducted by
12 the Department or its designated testing service to
13 determine fitness to receive a license as a barber; and

14 e. Has met all other requirements of this Act.

15 (Source: P.A. 97-777, eff. 7-13-12.)

16 (225 ILCS 410/2-3) (from Ch. 111, par. 1702-3)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 2-3. Licensure as a barber by a cosmetology school
19 graduate. A person is qualified to receive a license as a
20 barber if that person has applied in writing on forms provided
21 by the Department, paid the required fees, and:

22 a. Is at least 16 years of age; and

23 b. Has a certificate of graduation from a school providing
24 secondary education, or the recognized equivalent of such a
25 certificate, or persons who are beyond the age of compulsory

1 school attendance; and

2 c. Has graduated from a cosmetology school approved by the
3 Department having completed a minimum of 1500 hours in the
4 study of cosmetology; and

5 d. Has graduated from a school of barbering approved by the
6 Department having completed a minimum of 1000 additional hours
7 in the study of barbering extending over a period of no less
8 than 6 months nor more than 2 years, which must include both
9 domestic violence and sexual assault education as determined by
10 rule of the Department. Time spent in such study under the laws
11 of another state or territory of the United States or of a
12 foreign country or province shall be credited toward the period
13 of study required by the provisions of this paragraph; and

14 e. Has passed an examination caused to be conducted by the
15 Department, or its designated testing service, to determine
16 fitness to receive a license as a barber; and

17 f. Has met any other requirements set forth in this Act.

18 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

19 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 3-2. Licensure; qualifications.

22 (1) A person is qualified to receive a license as a
23 cosmetologist who has filed an application on forms provided by
24 the Department, pays the required fees, and:

25 a. Is at least 16 years of age; and

1 b. Is beyond the age of compulsory school attendance or
2 has received a certificate of graduation from a school
3 providing secondary education, or the recognized
4 equivalent of that certificate; and

5 c. Has graduated from a school of cosmetology approved
6 by the Department, having completed a program of 1500 hours
7 in the study of cosmetology extending over a period of not
8 less than 8 months nor more than 7 consecutive years, which
9 must include both domestic violence and sexual assault
10 education as determined by rule of the Department. A school
11 of cosmetology may, at its discretion, consistent with the
12 rules of the Department, accept up to 500 hours of barber
13 school training at a recognized barber school toward the
14 1500 hour program requirement of cosmetology. Time spent in
15 such study under the laws of another state or territory of
16 the United States or of a foreign country or province shall
17 be credited toward the period of study required by the
18 provisions of this paragraph; and

19 d. Has passed an examination authorized by the
20 Department to determine eligibility to receive a license as
21 a cosmetologist; and

22 e. Has met any other requirements of this Act.

23 (2) (Blank).

24 (Source: P.A. 93-253, eff. 7-22-03; 94-451, eff. 12-31-05.)

25 (225 ILCS 410/3-3) (from Ch. 111, par. 1703-3)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 3-3. Licensure as a cosmetologist by a barber school
3 graduate. A person is qualified to receive a license as a
4 cosmetologist if that person has filed an application on forms
5 provided by the Department, has paid the required fees, and:

6 a. Is at least 16 years of age; and

7 b. Has a certificate of graduation from a school providing
8 secondary education, or the recognized equivalent of such a
9 certificate, or is beyond the age of compulsory school
10 attendance; and

11 c. Has graduated from a school of barbering approved by the
12 Department having completed 1500 hours in the study of
13 barbering, and a minimum of 1000 additional hours in the study
14 of cosmetology extending over a period of no less than 6 months
15 nor more than 2 years, which must include both domestic
16 violence and sexual assault education as determined by rule of
17 the Department. Time spent in such study under the laws of
18 another state or territory of the United States or of a foreign
19 country or province shall be credited toward the period of
20 study required by the provisions of this paragraph; and

21 d. Has passed an examination authorized by the Department
22 to determine fitness to receive a license as a cosmetologist;
23 and

24 e. Has met any other requirements of this Act.

25 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 3-7. Licensure; renewal; continuing education;
4 military service. The holder of a license issued under this
5 Article III may renew that license during the month preceding
6 the expiration date thereof by paying the required fee, giving
7 such evidence as the Department may prescribe of completing not
8 less than 14 hours of continuing education for a cosmetologist,
9 and 24 hours of continuing education for a cosmetology teacher
10 or cosmetology clinic teacher, within the 2 years prior to
11 renewal. The training shall be in subjects approved by the
12 Department as prescribed by rule upon recommendation of the
13 Board and must include both domestic violence and sexual
14 assault education for cosmetologists as determined by rule of
15 the Department.

16 A license that has been expired for more than 5 years may
17 be restored by payment of the restoration fee and submitting
18 evidence satisfactory to the Department of the current
19 qualifications and fitness of the licensee, which shall include
20 completion of continuing education hours for the period
21 subsequent to expiration.

22 The Department shall establish by rule a means for the
23 verification of completion of the continuing education
24 required by this Section. This verification may be accomplished
25 through audits of records maintained by registrants, by
26 requiring the filing of continuing education certificates with

1 the Department, or by other means established by the
2 Department.

3 A license issued under the provisions of this Act that has
4 expired while the holder of the license was engaged (1) in
5 federal service on active duty with the Army of the United
6 States, the United States Navy, the Marine Corps, the Air
7 Force, the Coast Guard, or any Women's Auxiliary thereof, or
8 the State Militia called into the service or training of the
9 United States of America, or (2) in training or education under
10 the supervision of the United States preliminary to induction
11 into the military service, may be reinstated or restored
12 without the payment of any lapsed renewal fees, reinstatement
13 fee, or restoration fee if within 2 years after the termination
14 of such service, training, or education other than by
15 dishonorable discharge, the holder furnishes the Department
16 with an affidavit to the effect that he or she has been so
17 engaged and that his or her service, training, or education has
18 been so terminated.

19 The Department, in its discretion, may waive enforcement of
20 the continuing education requirement in this Section and shall
21 adopt rules defining the standards and criteria for that waiver
22 under the following circumstances:

23 (a) the licensee resides in a locality where it is
24 demonstrated that the absence of opportunities for such
25 education would interfere with the ability of the licensee
26 to provide service to the public;

1 (b) that to comply with the continuing education
2 requirements would cause a substantial financial hardship
3 on the licensee;

4 (c) that the licensee is serving in the United States
5 Armed Forces; or

6 (d) that the licensee is incapacitated due to illness.

7 The continuing education requirements of this Section do
8 not apply to a licensee who (i) is at least 62 years of age or
9 (ii) has been licensed as a cosmetologist, cosmetology teacher,
10 or cosmetology clinic teacher for at least 25 years.

11 (Source: P.A. 98-911, eff. 1-1-15.)

12 (225 ILCS 410/3A-2) (from Ch. 111, par. 1703A-2)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 3A-2. Licensure as an esthetician; qualifications. A
15 person is qualified to receive a license as a licensed
16 esthetician if that person has applied in writing on forms
17 provided by the Department, paid any required fees, and:

18 a. Is at least 16 years of age; and

19 b. Has a certificate of graduation from a school providing
20 secondary education, or the recognized equivalent of such a
21 certificate, or persons who are beyond the age of compulsory
22 school attendance; and

23 c. Has graduated from a school of cosmetology or esthetics
24 approved by the Department, having completed a program of 750
25 hours in the study of esthetics extending over a period of not

1 less than 18 weeks nor more than 4 consecutive years, which
2 must include both domestic violence and sexual assault
3 education as determined by rule of the Department. Time spent
4 in such study under the laws of another state or territory of
5 the United States or of a foreign country or province shall be
6 credited toward the period of study required by the provisions
7 of this paragraph; and

8 d. Has passed an examination authorized by the Department
9 to determine fitness to receive a license as a licensed
10 esthetician; and

11 e. Has met any other requirements of this Act and rules.

12 (Source: P.A. 91-863, eff. 7-1-00.)

13 (225 ILCS 410/3A-6) (from Ch. 111, par. 1703A-6)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 3A-6. Licensure; renewal; continuing education;
16 examination; military service. The holder of a license issued
17 under this Article may renew such license during the month
18 preceding the expiration date thereof by paying the required
19 fee, giving evidence the Department may prescribe of completing
20 not less than 10 hours for estheticians, and not less than 20
21 hours of continuing education for esthetics teachers, within
22 the 2 years prior to renewal. The training shall be in
23 subjects, approved by the Department as prescribed by rule upon
24 recommendation of the Board and must include both domestic
25 violence and sexual assault education for estheticians as

1 determined by rule of the Department.

2 A license that has expired or been placed on inactive
3 status may be restored only by payment of the restoration fee
4 and submitting evidence satisfactory to the Department of the
5 current qualifications and fitness of the licensee including
6 the completion of continuing education hours for the period
7 following expiration.

8 A license issued under the provisions of this Act that has
9 expired while the holder of the license was engaged (1) in
10 federal service on active duty with the Army of the United
11 States, the United States Navy, the Marine Corps, the Air
12 Force, the Coast Guard, or any Women's Auxiliary thereof, or
13 the State Militia called into the service or training of the
14 United States of America, or (2) in training or education under
15 the supervision of the United States preliminary to induction
16 into the military service, may be reinstated or restored
17 without the payment of any lapsed renewal fees, reinstatement
18 fee, or restoration fee if within 2 years after the termination
19 of such service, training, or education other than by
20 dishonorable discharge, the holder furnishes the Department
21 with an affidavit to the effect that he or she has been so
22 engaged and that his or her service, training, or education has
23 been so terminated.

24 The Department, in its discretion, may waive enforcement of
25 the continuing education requirement in this Section, and shall
26 adopt rules defining the standards and criteria for such

1 waiver, under the following circumstances:

2 (1) the licensee resides in a locality where it is
3 demonstrated that the absence of opportunities for such
4 education would interfere with the ability of the licensee
5 to provide service to the public;

6 (2) the licensee's compliance with the continuing
7 education requirements would cause a substantial financial
8 hardship on the licensee;

9 (3) the licensee is serving in the United States Armed
10 Forces; or

11 (4) the licensee is incapacitated due to illness.

12 (Source: P.A. 98-911, eff. 1-1-15.)

13 (225 ILCS 410/3C-2) (from Ch. 111, par. 1703C-2)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 3C-2. License; qualifications. A person is qualified
16 to receive a license as a nail technician if that person
17 applies in writing on forms provided by the Department, pays
18 the required fee, and:

19 (a) Is at least 16 years of age;

20 (b) Is beyond the age of compulsory school attendance
21 or has a certificate of graduation from a school providing
22 secondary education or the recognized equivalent of that
23 certificate;

24 (c) Has graduated from a school of cosmetology or
25 school of nail technology approved by the Department,

1 having completed a program of 350 hours in the study of
2 nail technology extending over a period of not less than 8
3 weeks nor more than 2 consecutive years, which must include
4 both domestic violence and sexual assault education as
5 determined by rule of the Department;

6 (d) Has passed an examination authorized by the
7 Department to determine eligibility to receive a license as
8 a nail technician; and

9 (e) Has met any other requirements of this Act.

10 Time spent in the study of nail technology under the laws
11 of another state or territory of the United States, or of a
12 foreign country or province, shall be credited toward the
13 period of study required by the provisions of subsection (c).

14 (Source: P.A. 94-451, eff. 12-31-05.)

15 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 3C-8. License renewal; expiration; continuing
18 education; persons in military service. The holder of a license
19 issued under this Article may renew that license during the
20 month preceding the expiration date of the license by paying
21 the required fee and giving evidence, as the Department may
22 prescribe, of completing not less than 10 hours of continuing
23 education for a nail technician and 20 hours of continuing
24 education for a nail technology teacher, within the 2 years
25 prior to renewal. The continuing education shall be in subjects

1 approved by the Department upon recommendation of the Barber,
2 Cosmetology, Esthetics, Hair Braiding, and Nail Technology
3 Board relating to the practice of nail technology, including,
4 but not limited to, review of sanitary procedures, review of
5 chemical service procedures, review of this Act, and review of
6 the Workers' Compensation Act and must include domestic
7 violence and sexual assault education for nail technicians as
8 determined by rule of the Department. However, at least 10 of
9 the hours of continuing education required for a nail
10 technology teacher shall be in subjects relating to teaching
11 methodology, educational psychology, and classroom management
12 or in other subjects related to teaching.

13 A license that has been expired or placed on inactive
14 status may be restored only by payment of the restoration fee
15 and submitting evidence satisfactory to the Department of the
16 meeting of current qualifications and fitness of the licensee,
17 including the completion of continuing education hours for the
18 period subsequent to expiration.

19 A license issued under this Article that has expired while
20 the holder of the license was engaged (1) in federal service on
21 active duty with the Army of the United States, the United
22 States Navy, the Marine Corps, the Air Force, the Coast Guard,
23 or any Women's Auxiliary thereof, or the State Militia called
24 into the service or training of the United States of America,
25 or (2) in training or education under the supervision of the
26 United States preliminary to induction into the military

1 service, may be reinstated or restored without the payment of
2 any lapsed renewal fees, reinstatement fee or restoration fee
3 if, within 2 years after the termination of the service,
4 training, or education other than by dishonorable discharge,
5 the holder furnishes the Department with an affidavit to the
6 effect that the certificate holder has been so engaged and that
7 the service, training, or education has been so terminated.

8 The Department, in its discretion, may waive enforcement of
9 the continuing education requirement in this Section, and shall
10 adopt rules defining the standards and criteria for such
11 waiver, under the following circumstances:

12 (a) the licensee resides in a locality where it is
13 demonstrated that the absence of opportunities for such
14 education would interfere with the ability of the licensee to
15 provide service to the public;

16 (b) the licensee's compliance with the continuing
17 education requirements would cause a substantial financial
18 hardship on the licensee;

19 (c) the licensee is serving in the United States Armed
20 Forces; or

21 (d) the licensee is incapacitated due to illness.

22 (Source: P.A. 98-911, eff. 1-1-15.)

23 (225 ILCS 410/3E-2)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 3E-2. Hair braider licensure; qualifications.

1 (a) A person is qualified to receive a license as a hair
2 braider if he or she has filed an application on forms provided
3 by the Department, paid the required fees, and meets the
4 following qualifications:

5 (1) Is at least 16 years of age;

6 (2) Is beyond the age of compulsory school attendance
7 or has received a certificate of graduation from a school
8 providing secondary education, or the recognized
9 equivalent of that certificate; and

10 (3) Has completed a program consisting of a minimum of
11 300 clock hours or a 10 credit hour equivalency of
12 instruction, as defined by rule, in a licensed cosmetology
13 school teaching a hair braiding curriculum or in a licensed
14 hair braiding school as follows:

15 (A) Basic training consisting of 35 hours of
16 classroom instruction in general theory, practical
17 application, and technical application in the
18 following subject areas: history of hair braiding,
19 personal hygiene and public health, professional
20 ethics, disinfection and sanitation, bacteriology,
21 disorders and diseases of the hair and scalp, OSHA
22 standards relating to material safety data sheets
23 (MSDS) on chemicals, hair analysis and scalp care, and
24 technical procedures;

25 (B) Related concepts consisting of 35 hours of
26 classroom instruction in the following subject areas:

1 Braid removal and scalp care; basic styling knowledge;
2 tools and equipment; growth patterns, styles and
3 sectioning; client consultation and face shapes; and
4 client education, pre-care, post-care, home care and
5 follow-up services;

6 (C) Practices and procedures consisting of 200
7 hours of instruction, which shall be a combination of
8 classroom instruction and clinical practical
9 application, in the following subject areas: single
10 braids with and without extensions; cornrows with and
11 without extensions; twists and knots; multiple
12 strands; hair locking; weaving/sewn-in; other
13 procedures as they relate to hair-braiding; and
14 product knowledge as it relates to hair braiding; ~~and~~

15 (D) Business practices consisting of 30 hours of
16 classroom instruction in the following subject areas:
17 Illinois Barber, Cosmetology, Esthetics, Hair
18 Braiding, and Nail Technology Act of 1985 and Rules;
19 salon management; human relations and salesmanship;
20 and Workers' Compensation Act; and-

21 (E) Both domestic violence and sexual assault
22 education as determined by rule of the Department.

23 (b) The expiration date and renewal period for each license
24 issued under this Act shall be set by rule.

25 (c) Within 2 years after the effective date of this
26 amendatory Act of the 96th General Assembly, the Department may

1 issue a hair braider license to any applicant who does not meet
2 the requirements of items (2) and (3) of subsection (a) of this
3 Section if the applicant: (1) files an application in
4 accordance with subsection (a), (2) pays the required fee, (3)
5 has not committed an offense that would be grounds for
6 discipline under this Act, and (4) is able to demonstrate to
7 the Department through tax records or affidavits that he or she
8 has practiced hair braiding for at least 2 consecutive years
9 immediately prior to the date of his or her application.

10 A hair braider who obtains his or her license under this
11 subsection (c) may renew his or her license if he or she
12 applies to the Department for renewal and has completed at
13 least 65 hours of relevant training in health, safety, hygiene,
14 and business management in accordance with the requirements of
15 this Section or any rule adopted pursuant to this Section. A
16 hair braider who renews his or her license under this
17 subsection (c) may thereafter only renew his or her license if
18 he or she meets the requirements of Section 3E-5 of this Act.

19 (Source: P.A. 96-1246, eff. 1-1-11; 97-333, eff. 8-12-11.)

20 (225 ILCS 410/3E-5)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 3E-5. License renewal. To renew a license issued under
23 this Article, an individual must produce proof of successful
24 completion of 10 hours of continuing education for a hair
25 braider license, which must include both domestic violence and

1 sexual assault education as determined by rule of the
2 Department, and 20 hours of continuing education for a hair
3 braiding teacher license.

4 A license that has been expired for more than 5 years may
5 be restored by payment of the restoration fee and submitting
6 evidence satisfactory to the Department of the current
7 qualifications and fitness of the licensee, which shall include
8 completion of continuing education hours for the period
9 subsequent to expiration. The Department may establish
10 additional rules for the administration of this Section and
11 other requirements for the renewal of a hair braider or hair
12 braiding teacher license issued under this Act.

13 (Source: P.A. 96-1246, eff. 1-1-11.)